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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,156

12/01/2005

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11/17/2009

EXAMINER

YOUNG, SCOTT E

ART UNIT

PAPER NUMBER

3711

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,156	Applicant(s) GOMZAR, IGOR MIKHAILOVICH	
	Examiner SCOTT YOUNG	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) 35-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25, 27-32 and 34 is/are rejected.
- 7) ☒ Claim(s) 26 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/1/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 21-34 in the reply filed on August 19, 2009 is acknowledged.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the leaf valve of claim 32 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 24 refers to a “needle” which is not mentioned in the specification or drawings. Claim 25 refers to a “nipple” which lacks proper antecedent basis. It appears as though the “needle” of claim 24 should be “nipple” as well.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 21-25, 28, 31 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloxom (US 2,205,028).

9. Claim 21: Bloxom discloses **a soap bubble blowing device (title), comprising a tube (21) having one end from which air is supplied and another end at which air bubbles are generated (col. 1, lines 24-34), said tube having apertures for air**

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inflow (col. 2, lines 20-27), **said tube having a wall provided with folds which form a surface including alternating protrusions and recesses** (col. 3, lines 57-61).

10. Claim 22: Bloxom discloses that **said another end at which the soap bubbles are generated is provided with a ledge (30) formed as a bulge of said tube** (col. 3, lines 25-27).

11. Claim 23: Bloxom discloses that **said ledge has a rear part provided with indents** (fig. 3, part of 30 adjacent to 32 having a smaller diameter than 32).

12. Claim 24: Bloxom discloses **a built-in nipple which is fixed on said tube, said nipple being rotatable about an axis of said tube** (col. 2, lines 20-27; the entire device is rotatable about an axis, making the nipple rotatable about an axis as well).

13. Claim 25: Bloxom discloses **flexible connecting strips** (wires 15) **which fix said built-in nipple on said tube** (col. 2, lines 28-37).

14. Claim 28: Bloxom discloses that **said tube is composed of a deformable material** (col. 2, line 54 – col. 3, line 6).

15. Claim 31: Bloxom discloses **a water-wetting porous material which covers said apertures for higher damping efficiency** (col. 2, line 54 – col. 3, line 13).

16. Claim 34: Bloxom discloses that **the device has a horizontal orientation** (fig. 1) **so as to blow soap bubbles of a large size with adjustment of a flight of the soap bubbles** (col. 1, lines 17-23).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Wachtel (US 5,190,490).

19. Bloxom discloses the claimed invention except for the tube having an axis and being rotatable about said axis. Wachtel teaches **a tube having an axis and being rotatable about said axis** (col. 4, lines 15-20). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the bubble blower of Bloxom with the rotatable axis of Wachtel, since such a modification would allow the user to control the amount of air that is being supplied to the end of the tube.

20. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Vickery, III (US 5,180,283).

21. Bloxom discloses the claimed invention except for a leaf valve. Vickery, III teaches that **a leaf valve can be used to control the direction of flow of air** (col. 6, lines 51-56). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the blower of Bloxom with the leaf valve of Vickery, III, since such a modification would be using known means to obtain predictable results of controlling air flow.

22. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Pick (US 2,711,051).

23. Bloxom discloses the claimed invention except for apertures configured as slots arranged between the protrusions and recesses on the surface of the tube for wetting a

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surface of the tube with water. Pick teaches **that apertures (12) can be slots** (col. 2, lines 54-56) **on the surface of a tube (10) for wetting the surface with a water-based solution** (col. 2, lines 54-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tube with protrusions and recesses of Bloxom with the apertures of Pick, since such a modification would allow for more even distribution of solution amongst the end of the tube.

Allowable Subject Matter

24. Claims 26 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. The following is a statement of reasons for the indication of allowable subject matter:

26. A soap bubble blowing device, comprising a tube, said tube having apertures for air inflow, said tube having a wall provided with folds which form a surface including alternating protrusions and recesses, and further comprising a lid with a built-in nipple and a container for a composition, said tube being fixed on said nipple and on fins which are built into said lid.

27. A soap bubble blowing device, comprising a tube, said tube having apertures for air inflow, said tube having a wall provided with folds which form a surface including alternating protrusions and recesses, and further comprising a casing with a heater for air supplied for generation of soap bubbles, said tube being inserted in said casing.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include Allen, Jr. (US 3,183,621), LaFata (US 5,088,950), Hasegawa (US 5,156,564), Shen (US 4,988,319), Kaysen (US 3,402,502), Dorris (US 1,381,458), Alhart (US 697,063), Rockwell (US 705,966), and Smith (US 4,229,902).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT YOUNG whose telephone number is (571) 270-7609. The examiner can normally be reached on Monday-Friday 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE KIM can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SCOTT YOUNG/

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Examiner, Art Unit 3711

/Gene Kim/

Supervisory Patent Examiner, Art Unit 3711